Arrended Complaint

Core #21-cv-05349-VB [Tripathy v. Feuz et. al.] SDNY

Exhibit (I)

391)



KATHY HOCHUL
Governor

ANTHONY J. ANNUCCI Acting Commissioner

October 29, 2021

Tripathy, S. (18R1673) D-1-40

Re: FOIL Log No. COL-0041-21

Dear Mr. Tripathy,

This is in response to your New York State Freedom of Information Law request for the SOCTP documents listed below. Please see my response for each requested item next to the name of each document.

✓1 Static 99R Assessment: 2 pages = \$.50

2. Static 99R Assessment Manual (2016): 94 pages = \$23.50 v

√3. SOTIPS Assessment Manual (not routinely used): 35 pages = \$8.75 ∨

√4. STABLE Assessment Manual (not routinely used): 194 pages = \$48.50 ∨

√5. SOCTP Guidelines (2016): 50 pages = \$12.50 V

√6. FOM 3067 Dorm Use During Program Hours: 2 pages = \$.50 V

₱ FOM 3068 SOCTP Unauthorized Materials: 1 page = \$.25 ✓

√8. FOM 3069 SOCTP Removal Policy: 1 page = \$.25 ✓

✓9. SOCTP Orientation Handbook: 10 pages = \$2.50 ✓

✓10. SOCTP Offender Orientation to the Therapeutic Community = 6 pages = \$1.50 ∨

√11 Therapeutic Community Contract: 1 page = \$.25 ✓

✓12.TC Termination Standards: 2 pages = \$.50 ✓

✓13. Ten Steps to Personal Change: 1 page = \$.25

✓14. SOCTP Waivers & Contracts: 4 pages = \$1.00 V

15. SOCTP Initial Treatment Plan: 1 page = \$.25 V

16. Sentencing Minutes (Ind.# 2720-2016): 37 pages = \$9.25 ✓

✓17. Defendant and Witness Trial Testimony: The records requested are not maintained by the State of New York Department of Corrections and Community Supervision. We suggest that you write directly to the county of conviction.

We have 441 pages of records available. Please provide a disbursement in the amount of \$110.25 covering the \$.25 per page photocopying fee, and the requested documentation will be forwarded to you.

In appeal correspondence, please clearly note your name, DIN number, facility from which records were requested, and the FOIL Log Number provided.



1-1



If you do not agree with any part of this decision, you may appeal by writing the Office of the Counsel & FOIL Appeals Officer, NYS Department of Corrections and Community Supervision, The Harriman State Campus, 1220 Washington Avenue, Albany, New York, 12226-2050.

Case 6:22-cv-06469-FPG Document 52-9 Filed 05/06/22 Page 3 of 20

Please note that as of the date of this response, your current spendable balance is \$0.00. no records will be provided until payment has been processed.

Regards,

Dr. Brotz Psychologist II / FOIL Officer SOCTP

FOIL Records CC:





KATHY HOCHUL Governor ANTHONY J. ANNUCCI Acting Commissioner

November 16, 2021

Sanjay Tripathy 18R1673 Collins C.F.

Re: FOIL Log No. CO-21-11-143 (SOCTP Funding?)

Dear S. Tripathy:

This is in response to your letters requesting records under the New York State Freedom of Information Law.

We are attempting to determine what, if any, records are available concerning your request. We anticipate a reply should be forwarded to you by December 28, 2021.

*as part of the ongoing response to the covid-19 pandemic, there may be delays in response to foil requests. Thank you for your patience.

Sincerely,

s. | Sandra Catalfamo

Sandra Catalfamo Program Aide F.O.I.L Unit

/sc



KAHTY HOCHUL Governor ANTHONY J. ANNUCCI Acting Commissioner 12/28/2021

December 15, 2021

Sanjay Tripathy 18R1673 Collins C.F.

Re: FOIL Log No. 21-11-143 (soctp funding)

Dear S Tripathy:

This is in response to your letter requesting records under the New York State Freedom of Information Law.

We are sorry for the delay; however, we are in the process of reviewing records that may be responsive to your request in accordance with the New York State Freedom of Information Law. We expect to be responding to your request by January 27, 2022.

*as part of the ongoing response to the covid-19 pandemic, there may be delays in response to foil requests. Thank you for your patience.

Sincerely,

s. | Sandra Catalfamo

Sandra Catalfamo Program Aide – FOIL Specialist

/sc





KATHY HOCHUL, Governor

ANTHONY J. ANNUCCI Acting Commissioner

November 16, 2021

Tripathy, S. (18R1673) D-1-40

Re: FOIL Log # COL-043-21

Dear Mr. Tripathy,

This is in response to your New York State Freedom of Information Law request for the (7) pages in the SOTIPS Manual and SOCTP Orientation handbook that you report were not included in your original request. I am looking into this matter and will gladly provide you with anything that was inadvertently missed.

I have also received your tab regarding the errors that you believe were made in the scoring of your Static 99R Risk Assessment. I will review your concerns; along with the scoring of your assessment, and respond to you regarding this matter at my earliest convenience.

On Tuesday, November 16th I received your request regarding any documents, memos, etc. related to program overrides. We are continuing to search for any responsive records that may be releasable in accordance with the New York State Freedom of Information Law.

I apologize for the delay. We expect to provide a final response to your requests by COB Friday, December 3, 2021.

Regards,

See program promides.

Dr. Brotz
Psychologist II / FOIL Officer
SOCTP

CC: File recd /2021 ich 21/40 11/17/2011/40

 $\mathcal{I}-3$

396



KATHY HOCHUL Governor

ANTHONY J. ANNUCCI Acting Commissioner

16/20 Mad 10 Mad December 29, 2021

Sanjay Tripathy 18R1673 Collins C.F.

FOIL Log No. 21-11-315 (SOCTP Guideline)

Dear S. Tripathy:

This is in response to your letter requesting records under the New York State Freedom of Information Law

We are sorry for the delay, however, we are continuing to search for any responsive records that may be releasable in accordance with the New York State Freedom of Information Law. We expect to be responding to your request by January 28, 2022.

progrendes Overses /sc

Sincerely,

s. | Sandra Catalfamo

Sandra Catalfamo Program Aide - Foil Specialist





KATHY HOCHUL Governor ANTHONY J. ANNUCCI Acting Commissioner

January 7, 2022

Sanjay Tripathy (18R1673) Collins Correctional Facility Middle Road, P.O. Box 400 Collins, N.Y. 14034

RE: FOIL Appeal Log No. A-0006-22

Dear Sanjay Tripathy:

Counsel's Office reviewed your Freedom of Information Law ("FOIL") appeal dated December 20, 2021 and received on January 4, 2022. We also reviewed your initial request to the FOIL Officer at Collins Correctional Facility ("Collins") (FOIL Log No. COL-043-21).

In your appeal, you stated that your FOIL request for various documents from the SOCTP program was "incomplete and unanswered." Based on our review of this matter, we have confirmed that the requested documents were sent to you by the FOIL Officer at Collins on January 5, 2022.

Accordingly, your appeal is MOOT.

Soctported Critorial

Regards,

Michael J. Ranieri

Michael J. Ranieri

FOIL Appeals Officer

MJR: 55

cc: Superintendent, Collin Correctional Facility
FOIL Officer, Collins Correctional Facility

Committee on Open Government

Central Office File

Weller Lot



KATHY HOCHUL
Governor

ANTHONY J. ANNUCCI Acting Commissioner

January 31, 2022

Tripathy, S. (18R1673) D-4-40

Re:

SOCTP FOIL Request

Dear Mr. Tripathy,

This is in response to your tab requesting any new or updated SOCTP Marial since December 2021.

Please be advised that there have not been any changes to the program or curriculum; therefore, there is nothing to send to you.

In regards to your "Outstanding" FOILS. Council's Office will be handling your request for anything related to myself or my credentials. Any questions related to this request should be directed to their office.

In addition, as you have been informed in the past, the CBRI is not a tool that is used anymore; therefore, you do not have a score. This FOIL will be considered closed.

Regards,

CC: Council's Office
Assistant Counsel, FOIL Unit
Acting DSP VanNote
File

Dr. Brotz
Psychologist / FOIL Officer
SOCTP

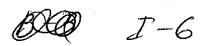
TO JONE 1 20 2 1 100 40 COPE

All how backs where or Brotz

See Cious Lawton Borm 216122

Chause was dereved for the property of the property of

Collins Correctional Facility, Middle Road, P.O. Box 490, Collins, NY 14034-0490 (716) 532-4588 www.doccs.ny.gov







KATHY HOCHUL Governor ANTHONY J. ANNUCCI
Acting Commissioner

February 11, 2022

Tripathy, S.(18R1673) D-4-40

Re: FOIL Log No. COL-0058-22

Dear Mr. Tripathy,

This is in response to your New York State Freedom of Information Law request for copies of your CBRI Assessment, all associated information, and various documents related to myself.

We no longer utilize the CBRI Assessment; therefore, there is no assessment to give you. We are not required to create a document if it does not already exist. Please let me know if you still want the information related to the assessment.

In regards to your request for various documents in regards to myself, my professional career and credentials, this request is currently under review by Counsel's Office. They will respond to you once a determination has been made.

Sincerely,

Dr. Brotz
Psychologist II / FOIL Officer

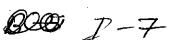
SOCTP

CC: FOIL Records

the Office of the Counsel & FOIL Appeals Officer, hington Avenue, Albany, New York, 12226-2050

If you do not receive a response or delay notification by the date specified, you may appeal by writing the Office of the Counsel & FOIL Appeals Officer, NYS Department of Corrections and Community Supervision, The Harriman State Campus, 1220 Washington Avenue, Albany, New York, 12226-2050.

In appeal correspondence, please clearly note your name, DIN number, facility from which records were requested, and the FOIL Log Number provided.









KATHY HOCHUL Governor ANTHONY J. ANNUCCI Acting Commissioner

March 2, 2022

Tripathy, S. (18R1673) D-3-22

Re: FOIL Request: COL-064-22

Dear Mr. Tripathy,

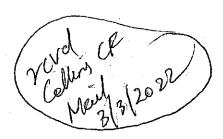
This is in response to your tab requesting copies of the STABLE, SOTIPS, any other assessments that have been completed. Currently, none of these assessments have been completed; therefore, there is nothing to provide you.

You also submitted another request for my credentials. As you have been told on at least 3 other occasions, this request is being handled by Counsel's Office and any inquires regarding this matter should be directed to them.

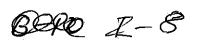
Regards,

Dr. Brotz Psychologist / FOIL Officer SOCTP

CC: File



Collins Correctional Facility, Middle Road, P.O. Box 490, Collins, NY 14034-0490 | (716) 532-4588 | www.doccs.ny.gov









FOIL REQUEST - URGENT

To: Dr. R. Brotz, Psychologist and FOIL Officer; SOCTP Program, Collins CF, Middle Road, PO Box 490, Collins, NY 14034-0490

From: Sanjay Tripathy; 18R1673, Collins CF, PO Box 340, Collins, NY 14034-0340

Date: Friday, March 11th, 2022

Subject: FOIL - SOCTP Materials [Program]

I would like to FOIL the following SOCTP program materials. Please advise how many pages [#s] so I can send in the disbursement [Payment] for the copies.

- 1. SOCTP Clinical Record: Please refere to Page 28-29 [SOCTP Guidelines Feb 2016] - "ACCESS TO CLINICAL RECORD" pursuant to the procedure in the Health Services Policy Manual [HPSM] 4.10; II DESCRIPTION II.A. Definition -The SOCTP Clinical Record is a Health Record.; III TYPES OF REQUESTS III.A.2. Inmate Requests ...inmate to view and/or obtain a copy of their Clinical Record must be made in writing to senior treatment provider (Psychologist..) at the treatment site.
 - Request: Under FOIL I would like to view/obtain any/all of my SOCTP Clinical Record.
- 2. SOCTP Curriculum: Full curriculum [including but not limited to] Instructions, guidelines, methodolgy, rubric, examples etc. for filling out and completing monthly evaluations [Attachment 11 and 12 in the SOCTP Guidelines Feb 2016] to understand the process in detail.

Request: I need all material/documents for these monthly evaluations.

3. SOCTP Manual/Curriculum for Instructors/Staff: Need full copy. Request your answer in detail including [but not limited to] pages [#s],

materials, reasons [specific for denial if any]. My reasons for the FOIL are both educational and legal so as to ensure that I have a good understanding of the mammaterial, so I can bemefit from it and also ensure that my monthly evals are based on facts [that are documented and provable] and not just someone's opinion [for which theres no scientific or factual basis]. As you may be aware I am being moved to Level-2 [Moderate-Risk] starting Monday March 14th, 2022 despite my strong objections, that the determination is unlawful, arbitrary and capricious, and abuse of discretion, based on made-up and unapproved criteria, relaince on wrong facts and just someone's opinion, that will cause irreparable harm [to me and my interests] and I donot have a choice [am being forced] despite my Static99R scores [1 which per DOCES & manual only entail the low-risk program]. Respectfully Submitted - Sanjay 3/4/22

Z-9

An innocent man illegally incarcerated and religiously persecuted Tripathy

by The State of New York and State Actors under the Color of Law;

FOIL REQUEST - URGENT

To: FOIL Records Officer, DOCCS, Office of the Counsel, State Campus, Building #4, 1220 Washington Avenue, Albany, NY 12226-2050

From: Sanjay Tripathy; 18R1673, Collins CF, PO Box 340, Collins, NY 14034-0340

Date: Friday, March 11th, 2022

Subject: FOIL - SOCTP Program Materials

I would like to FOIL the following SOCTP [Sex-Offender] Program Materials. Please advise how many pages [#s] so I can arrange for the payment.

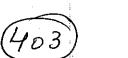
- 1. SOCTP Program Curriculum full curriculum. Note this is not the SOCTP Guidelines February 2016 [50 Pages] which I already have. This request is for assignments, class materials, evaluations sample etc.
- 2. SOCTP Instructors Manual full manual
- 3. SOCTP Program Overrides Criteria [Requesting Again] This is DOCCS Approved [Memorandum, Email, Policy and Procedure etc.] that is dated, signed and used across DOCCS for moving/overriding partcipants [from low-risk to moderate-risk; moderate-risk to high-risk; and low-risk to high-risk] despite their Static99R scores.

Respectfully Submitted,

Sanjay Tripathy

An innocent man illegally incarcerated and religiously persecuted by The State of New York and State Actors under the Color of Law;









KATHY HOCHUL

ANN MARIE T. SULLIVAN, M.D.

DANIELLE TOPE, PsyD

Governor

Commissioner

Executive Director

March 24, 2022

Sanjay Tripathy **Collins Correctional Facility** P.O. Box 340 Collins NY 14034-0340

Dear. Sanjay Tripathy,

This is in response to your March 14th Freedom of Information Law (FOIL) request for documents related to the risk level assigned to sex offenders incarcerated within the New York State Department of Corrections and Community Services (DOCCS). It has been determined that we do not have any documents that are responsive to your request and you are encouraged to contact DOCCS for documents related to the risk level assigned to sex offenders incarcerated within their facilities.

Should you wish to appeal any aspect of this determination, a request for an appeal must be received within 30 days of your receipt of this letter and should be addressed to: OMH FOIL Appeals Officer, House Counsel, NYS Office of Mental Health, 44 Holland Avenue, Albany, NY 12229.

Sincerely,

Danielle Tope, Psy.D.

Executive Director

cc: File #22-037

Whater Tolly Society Compression of the Society

A FACILITY OF THE OFFICE OF MENTAL HEALTH

STARC - Oakview, P.O. Box 300, Marcy, NY 13403-0300 | STARC - Bridgeview, 1 Chimney Point Drive, Ogdensburg, NY 13669-2291



Dete: Kniday, Morch 25th /2022 To: POIL Records Officer, DOCCS - Office of the Coursel, Alban 1220 Weshington Avenue, Albany, Ny 12226-2050 Prom: SANTRY TRIPATMY; 18R1673; D4/40, Collins CR, POBON 340, Collins, NY 14034 Subject : POIL Regrest I would like to POIL the Hollowing documents / information. which is public information and not specific to any name/person: 1) Job Description/ Poles and Responsibilities for DOCCS SOCTP Program -Psychologist (ILI) - Social Worker (I/II) Thanh You. fry Thy 13/25/2022 SANJAY TRIPATRY L8R1673 (405) 1-12

Date: Monday, Merch 28th/2022 To: Dr. R. Brotz, Psychologist/ROIL, Collins CP. Cc: DOCCS - office of the Coursel/ FOIL
Chardwillen Copy)

Brown: SANITAN TO CO From: SANTAY TRUPATUY; 1811673; 04/40; Collins CF. Subject: POIL Pollow Ups/Updates I would like to follow up on my argent POIL regrets that I had sent to over 2 weeks beek - CBRI Information - Clinical Record (HIPAA) SOCTP - SOCTP DATO - Assessments (Monthly Evels) - Instructors Manual [conculum] Please let me know when I can access This notonal. Thanh You for your attention. 8m Ty 3/28/2022 SONJBY TRIPATOY 18R1673 406)

Case 6 22-cv-06469-FPG Document 52-9 Filed 05/06/22 Page 17 of 20

FOIA/FOIL Request

To: FOIA/FOIL Records Officer; Office of Mental Health, 44 Holland Avenue, Albany, NY 12229

Attn: Office of Chief Counsel and Deputy Commissioner (Mark Noordsy)
From: Sanjay Tripathy (Petitioner); 18R1673, Collins CF, PO Box 340, Collins,
NY 14034-0340

Date: Monday, January 10th, 2022

Subject: Document/Information Request (FOIA/FOIL) - Urgent/TimerSensitive

Petitioner ("Sanjay Tripathy") requests the following information/documents in your agencies possession/knowledge under the United States Freedom of Information Act (FOIA), the Privacy Act of 1974, and the New York State Freedom of Information Law (FOIL). This request is urgent and time sensitive, thus Petitioner requests your immediate attention. By law, you are required to provide a timely and comprehensive response. As petitioner is currently incarcerated, he has no access to online/electromics information or any such means to access, search or communicate with, thus it is required that information/documents only be provided via physical ("paper") methods. Petitioner seeks such information/documents to legally fight either his illegal/unconstitutional incarceration and such unconstitutional acts perpetrated by Governments and its Actors under the Color of Law.

Background: Materials/Documents/Information to your Sex Offender Program (SOTP/SOCTP/or other names) under which participants are determined to be in low risk/moderate risk/high risk (duration/length of program) program related to how much time they need to spend undergoing the program. Request related to assessments and tools used (e,g. Static99R/CBRI other tools) to identify placement and also any assessments/tools used to determine any overrides (e,g, based on Static99R score of 1 and thus they need the low risk program, but now they are recommended the moderate risk program).

Request: Any/every approved memos/guidelines/policies and procedures that are used/in place for such overrides (as described above) not limited to factors, criteria, clinical determination (including how these overrides are done? who does them? why are they done? who reviews and approves them? and what is the scientific basis for these overrides including upward/downward recommendations? any appeals process to challenge these overrides);

This information is urgent and time sensitive and thus petitioner requests your early attention. Petitioner is willing/able to pay for these documents/information as soon as he gets your detailed response. Thank you for your help.

Respectfully Submitted, Sun Tripathy; 18R1673; 1/10/2022

Sanjay Tripathy; 18R1673, Collins CF, PO Box 340, Collins, NY 14034-0340 An Innocent man illegally incarcerated and religiously persecuted by The State of New York and State Actors under the Color of Law $\mathcal{I}-/3$

FOIA/FOIL Request

To: FOIA/FOIL Records Officer; OMH, New York Psychiatric Institute, 1051 Riverside Drive, New York, NY 10032 (Attn: <u>Jeffrey A. Lieberman, MD</u>, ExecDir

From: Sanjay Tripathy (Petitioner); 18R1673, Collins CF, PO Box 340, Collins, NY 14034-0340

Date: Monday, January 10th, 2022

Subject: Document/Information Request (FOIA/FOIL) - Urgent/TimerSensitive

Petitioner ("Sanjay Tripathy") requests the following information/documents in your agencies possession/knowledge under the United States Freedom of Information Act (FOIA), the Privacy Act of 1974, and the New York State Freedom of Information Law (FOIL). This request is urgent and time sensitive, thus Petitioner requests your immediate attention. By law, you are required to provide a timely and comprehensive response. As petitioner is currently incarcerated, he has no access to online/electromics information or any such means to access, search or communicate with, thus it is required that information/documents only be provided via physical ("paper") methods. Petitioner seeks such information/documents to legally fight either his illegal/unconstitutional incarceration and such unconstitutional acts perpetrated by Governments and its Actors under the Color of Law.

Background: Materials/Documents/Information to your Sex Offender Program (SOTP/SOCTP/or other names) under which participants are determined to be in low risk/moderate risk/high risk (duration/length of program) program related to how much time they need to spend undergoing the program. Request related to assessments and tools used (e,g. Static99R/CBRI other tools) to identify placement and also any assessments/tools used to determine any overrides (e,g, based on Static99R score of 1 and thus they need the low risk program, but now they are recommended the moderate risk program).

Request: Any/every approved memos/guidelines/policies and procedures that are used/in place for such overrides (as described above) not limited to factors, criteria, clinical determination (including how these overrides are done? who does them? why are they done? who reviews and approves them? and what is the scientific basis for these overrides including upward/downward recommendations? any appeals process to challenge these overrides);

This information is urgent and time sensitive and thus petitioner requests your early attention. Petitioner is willing/able to pay for these documents/information as soon as he gets your detailed response. Thank you for your help

Respectfully Submitted, Support of 2022 Sanjay Tripathy; 18R1673; 1/10/2022

Sanjay Tripathy; 18R1673, Collins CF, PO Box 340, Collins, NY 14034-0340 An Innocent man illegally incarcerated and religiously persecuted by The State of New York and State Actors under the Color of Law I-13

FOIA/FOIL Request

To: FOIA/FOIL Records Officer; OMH, Central NY Psychiatric Center, Old River Rd. Marcy, NY 13403 (Attn: <u>Deborah McCulloch</u>, Executive Director)

From: Sanjay Tripathy (Petitioner); 18R1673, Collins CF, PO Box 340, Collins, NY 14034-0340

Date: Monday, January 10th, 2022

Subject: Document/Information Request (FOIA/FOIL) - Urgent/TimerSensitive

Petitioner ("Sanjay Tripathy") requests the following information/documents in your agencies possession/knowledge under the United States Freedom of Information Act (FOIA), the Privacy Act of 1974, and the New York State Freedom of Information Law (FOIL). This request is urgent and time sensitive, thus Petitioner requests your immediate attention. By law, you are required to provide a timely and comprehensive response. As petitioner is currently incarcerated, he has no access to online/electromice information or any such means to access, search or communicate with, thus it is required that information/documents only be provided via physical ("paper") methods. Petitioner seeks such information/documents to legally fight either his illegal/unconstitutional incarceration and such unconstitutional acts perpetrated by Governments and its Actors under the Color of Law.

Background: Materials/Documents/Information to your Sex Offender Program (SOTP/SOCTP/or other names) under which participants are determined to be in low risk/moderate risk/high risk (duration/length of program) program related to how much time they need to spend undergoing the program. Request related to assessments and tools used (e,g. Static99R/CBRI other tools) to identify placement and also any assessments/tools used to determine any overrides (e,g, based on Static99R score of 1 and thus they need the low risk program, but now they are recommended the moderate risk program).

Request: Any/every approved memos/guidelines/policies and procedures that are used/in place for such overrides (as described above) not limited to factors, criteria, clinical determination (including how these overrides are done? who does them? why are they done? who reviews and approves them? and what is the scientific basis for these overrides including upward/downward recommendations? any appeals process to challenge these overrides);

This information is urgent and time sensitive and thus petitioner requests your early attention. Petitioner is willing/able to pay for these documents/information as soon as he gets your detailed response. Thank you for your help.

Respectfully Submitted, Support of 10/2022 Sanjay Tripathy; 18R1673; 1/10/2022

Sanjay Tripathy; 18R1673, Collins CF, PO Box 340, Collins, NY 14034-0340 An Innocent man illegally incarcerated and religiously persecuted by The State of New York and State Actors under the Color of Law I-13



KATHY HOCHUL Governor

ANTHONY J. ANNUCCI Acting Commissioner

March 22, 2022

Sanjay Tripathy 18R1673 Collins C.F.

> Re: FOIL Log No. CO-22-03-249 (SOCTP Information)

Dear S Tripathy:

This is in response to your letters requesting records under the New York State Freedom of Information Law.

We are attempting to determine what, if any, records are available concerning your request. We anticipate a reply should be forwarded to you by April 21, 2022.

Sincerely,

s. | Sandra Catalfamo

Sandra Catalfamo Program Aide F.O.I.L Unit

/sc

rlehr and 3/31/2027
West Mis CP